

**SUPPORT FOR THE AMENDMENTS**

Claim 1 is amended to contain the limitation of Claim 19.

It is believed there is no new matter and that there are no new issues, since Claim 19 has been considered previously, and there are no other claims to consider.

Accordingly, entry and reconsideration is respectfully requested.

### **REMARKS/ARGUMENTS**

Claim 1 is in the case.

Applicants want to thank Examiner Bullock for the courteous and helpful discussion of May 19, 2008, with Applicant's representative.

During the discussion, Applicant's representative urged that the claims as previously presented go beyond what is necessarily for patentable subject matter. At a minimum, Applicant's claim a process resulting in a product having branching other than methyl branching, which is directly contrary to both references used in the rejection - Blain (US '933) and EP '051. Both Blain and EP '051 explicitly state that only methyl branching occurs. Accordingly, the inventors have shown surprising and unexpected results.

The present claims include a limitation that a dimer product is recovered and that the amount of the dimer product that is linear or has single methyl branching is from 62 to 83%. This requires that at least 17% of the branching be ethyl or higher branching. Both Blain and EP '051 expressly limit their products to methyl only branching. See Blain at col. 5, lines 39-40; EP '051 at page 2, lines 46-47.

In the Official Action of 29 April 2008, the Examiner argues that the prior art comments with respect to branching are directed to oligomerization of only C3 or C4 monomers.

But this merely reinforces the earlier comments by Applicant that neither reference is concerned with the dimer product of the oligomerization of a mixture of C4 and C5 olefins. It is not fair to argue that the references *generally* disclose oligomerization of C3-C6 olefins, and then when Applicant's point to their unexpected result achieved by selection within that genus of olefins (for the sake of argument) - directly contrary to the teachings of both references - to take the position that the teachings of the references only apply to their specific olefins (C3 or C4).

Unexpected results are unexpected results. (And these results are not merely unexpected, they are directly contrary to the teachings of the prior art - recovery of a product having a different branching was simply not recognized by either Blain or EP '051). To argue that the

unexpected results would be inherent in the combination does not leave any room for unexpected results.

Accordingly, the references taken together cannot fairly suggest the present invention and it is respectfully requested that the rejection under 35 USC §103 be withdrawn.

For these reasons, it is believed that the present claims are in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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Date

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